

The logo features stylized green and blue waves above the text "Desert Claim Wind Power". To the right of the text is a stylized wind turbine with three blades. Below the text are some green grass-like shapes.

Desert Claim Wind Power

APPLICATION FOR SITE CERTIFICATION



November 2006





November 3, 2006

Jim Luce, Chair
Energy Facility Site Evaluation Council
P.O. Box 43172
Olympia, Washington 98504-3172

Re: Desert Claim Wind Project – Application for Site Certification

Dear Chair Luce:

Desert Claim Wind Power LLC (Desert Claim or the Applicant) hereby applies for a Site Certification Agreement authorizing the construction and operation of a wind power project referred to as "the Desert Claim Project" or "the Project."

Desert Claim Project

The Desert Claim Project is a 180 megawatt (MW) wind power project located on approximately 4,783 acres in unincorporated Kittitas County, eight miles northwest of the city of Ellensburg. The Project consists of up to 90 turbines and the associated electrical collection system that would allow the Project to connect with the regional high-voltage transmission grid.

The Project Area includes land leased from five private land owners and the Washington Department of Natural Resources (WDNR). Unlike many wind power projects with turbines located along ridgelines, the Desert Claim Project occupies a relatively flat valley, with turbines spread throughout the project area. A 625-foot safety setback surrounds each turbine. Under the proposed turbine configuration, all non-participating residences are at least 1,106 feet from a turbine, and there are only seven non-participating residences located within 1,500 feet of a turbine.

The Project will use REpower MM92 model turbines. This turbine model has a tower height of 262.5 feet (80 meters), a rotor diameter of 303 feet (92.5 meters) and a total height of 414 feet (126.5 meters). Each turbine has a nameplate generating capacity of 2.0 MW.

Jim Luce, EFSEC Chair
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Applicant

The Applicant is Desert Claim Wind Power LLC, a Washington limited liability company that was created for the sole purpose of developing, permitting, financing, constructing and operating the Project. Desert Claim is wholly owned and managed by enXco, Inc. (enXco).

enXco is a privately-held company based in California that develops, constructs and operates commercial-scale wind energy projects. enXco has owned and operated wind energy projects in the United States for more than twenty years. It currently has approximately 1,375 MW of wind power projects in operation, and projects totaling another 4,200 MW under development.

For purposes of WAC 463-60-025, Desert Claim designates David Steeb as its agent:

David Steeb, Project Director
Desert Claim Wind Power LLC
P.O. Box 4
Woodinville, WA 98072
Telephone: 425-941-3774
E-mail: davids@enxco.com

Contacts regarding this application should be directed to Mr. Steeb or the Applicant's attorney:

Karen McGaffey
Perkins Coie LLP
1201 Third Avenue, Suite 4800
Seattle, WA 98101
Telephone: 206-359-6368
E-mail: kmcgaffey@perkinscoie.com

Project History

In early 2001, Desert Claim began evaluating potential sites for a commercial-scale wind power project in Kittitas County. Desert Claim reviewed publicly available wind resource information and collected meteorological data with six temporary met towers erected at several sites within the County. After identifying a promising site and obtaining leases from landowners, Desert Claim performed studies aimed at determining project feasibility and environmental impacts.

In Washington, wind power projects may be permitted either through local land use permitting proceedings or through the EFSEC permitting process established by RCW chapter 80.50. The EFSEC permitting process was originally conceived as a one-stop shop

for permitting energy projects. In recent years, however, EFSEC's land use consistency process has been interpreted to require an applicant to attempt to obtain approval from a local land use authority in instances where local zoning codes do not unequivocally authorize a project. This has created an unusual situation for renewable energy projects proposed in counties with case-by-case permitting processes. If an applicant applies to EFSEC for approval, it must suspend the EFSEC proceedings so that it can go through the County process in an attempt to obtain local "land use consistency." Of course, if an applicant obtained local land use approval, it not would require EFSEC's approval because EFSEC does not have exclusive jurisdiction over renewable energy projects.¹

Recognizing that the EFSEC process would require Desert Claim to at least try to obtain land use approval from Kittitas County as a prerequisite to EFSEC making a decision on an application, Desert Claim decided to begin its permitting efforts with the County. It hoped it would receive County approval, and would not need to file an application with EFSEC. However, it intended to file an application with EFSEC and request preemption if it did not obtain County approval. This approach seemed more efficient than first filing an application with EFSEC, then asking EFSEC to suspend its proceedings so that it could file an application with the County, and then later resuming the EFSEC process.²

For these reasons, Desert Claim filed an application with Kittitas County in January 2003. In connection with this application, the County prepared an Environmental Impact Statement (EIS). Following publication of the Final EIS and after conducting various public meetings and hearings, the Kittitas County Board of County Commissioners ultimately issued a resolution denying Desert Claim's application in April 2005.

Changes from the Original Project Proposal

Desert Claim has considered the issues identified in the Board of County Commissioners' decision as well as the issues raised by citizens during the local permitting process, and has made several modifications to the Project to address those issues. Having already made considerable efforts to obtain local land use consistency, Desert Claim now applies to EFSEC for a Site Certification Agreement authorizing construction and operation of the Project.

The following is a summary of the primary changes Desert Claim has made to the Project since the Kittitas County Board of County Commissioners' decision:

¹ In contrast, EFSEC does have exclusive jurisdiction over thermal facilities with a capacity of 350 MW or more. Thus, depending upon its size, a traditional fossil fuel fired generation facility either must obtain local approval or must obtain EFSEC approval.

² This is, in effect, what has occurred in connection with the Kittitas Valley Project that is now under review by the Council.

- The Project Area has been consolidated from four separate parcels to one contiguous area. The Project Area has also been reduced from 5,237 acres to 4,783 acres, removing approximately 2,046 acres of private land that previously made up the eastern portion of the Project and adding approximately 1,592 acres of land leased from the Washington Department of Natural Resources (WDNR).
- The total number of turbines has been reduced by 25%, from 120 to 90.
- The turbine model has changed from the General Electric Wind Energy 1.5sl turbine to the REpower MM92 turbine.
- There are only 32 non-participating residences located within 3,000 feet of a proposed turbine. Only seven of those are located less than 1,500 feet from a proposed turbine and the closest one is 1,106 feet from a proposed turbine.
- Sound from the Project will be no more than 50 dBA, the state nighttime limit for residential properties, at the Project Area boundary.
- Shadow flicker at adjacent residences has been substantially reduced. For those residences (if any) that are affected by perceptible shadow flicker, Desert Claim will stop the blades of the wind turbine that causes the flicker during those hours and conditions when shadow flicker occurs, or offer a voluntary waiver agreement to the land-owners in lieu of stopping the turbine.
- The Project will not result in any temporary or permanent impacts to wetlands, streams or their buffers.
- Daytime white strobe lighting has been eliminated and nighttime red lighting has been reduced to only 36 of the Project turbines.

A more detailed description of the Project is provided in the Project Description, which is attached at Tab 1.

Materials Supporting Application

Applications to the Council for Site Certification have typically been organized in a way that closely tracks the standard organization of Environmental Impact Statements prepared pursuant to the State Environmental Policy Act (SEPA) in order to facilitate the Council's preparation of an EIS. EFSEC regulations generally require this organization. *See* WAC 463-60-012. In this instance, however, Kittitas County has already published a Final EIS on the Project. Reorganizing that information would be inefficient and seems unnecessary when EFSEC can rely upon the existing SEPA document. *See* RCW 43.21C.034; WAC 197-11-600, -630.

Jim Luce, EFSEC Chair
November 3, 2006

For this reason, pursuant to WAC 463-60-115, Desert Claim requests a waiver from the Council's prescribed organization. Desert Claim is providing the Council with materials necessary to evaluate the Project and to satisfy the Council's regulations, without duplicating the effort that went into preparing the EIS.

In addition to this letter, Desert Claim's application consists of the following materials:

Tab 1	Project Description
Tab 2	Visual Simulations
Tab 3	Regulatory Matrix
Tab 4	Wetland and Stream Report
Tab 5	Vegetation and Wildlife Report
Tab 6	Supplemental Sound Analysis
Tab 7	Turbine Hazard Analysis
Tab 8	Supplemental Shadow Flicker Analysis
Tab 9	FAA Lighting Plan
Tab 10	Supplemental Information Required by Council Regulations
Tab 11	Final EIS (on CD)

Desert Claim also requests a waiver from the requirements of WAC 463-60-175 (Heat Dissipation System), 463-60-185 (Aquatic Discharge System), 463-60-255 (Emission Control), and 463-60-536 (Air emissions permits and authorizations) which do not apply to a wind power project.

Fees

A check for forty-five thousand dollars (\$45,000.00) is being provided under separate cover.

Jim Luce, EFSEC Chair
November 3, 2006

Desert Claim looks forward to working with the Council and its staff in processing this Application for Site Certification.

Sincerely,

A handwritten signature in blue ink, appearing to read "David Steeb", written over the word "Sincerely,".

David Steeb
Project Director

